

CMM/MJB
F. #2017R00578

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9/17/2020 8:56 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

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UNITED STATES OF AMERICA

STIPULATION AND ORDER

– against –

Docket No. 17-CR-583 (S-1) (JMA)

VINCENT J. TRIMARCO, JR.,

Defendant.

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WHEREAS, the government intends to produce to the defendant certain discoverable material, pursuant to 18 U.S.C. § 3500 and Giglio v. United States, 405 U.S. 150 (1972), which contain sensitive and/or personal information (the “Confidential Materials”);

WHEREAS, granting the within Protective Order will allow the parties to obtain and review the Confidential Materials expeditiously, without the need for extensive redaction of the material, and without risking disclosure of any witnesses’ sensitive or personal information;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned that:

1. The materials produced by the government pursuant to this Stipulation and Order may be used by the defendant and his defense counsel in this matter only for purposes of trial preparation, defense at trial against the charges set forth in the above-captioned indictment, and any related appellate matters or other legal proceedings arising from the above-referenced trial.

2. Absent further order of the Court, the defendant and his defense counsel may not disclose or disseminate the Confidential Materials or any copies, notes, transcripts, documents or other information derived or prepared from these materials to anyone who has not signed this Stipulation and Order, other than those of defense counsel's legal staff, the defendant's legal staff who are assisting defense counsel in this specific matter, and any potential witnesses, vendors and/or investigators that have been advised of and agreed to be bound by the terms of this Stipulation and Order. If the defendant, his defense counsel, or anyone else who has received these materials from the defendant or his defense counsel pursuant to the terms of this Stipulation and Order seeks to make further disclosure or dissemination of the materials, notice must first be provided to the government and the Court, and such notice must be given sufficiently in advance of the contemplated disclosure or dissemination so as to permit briefing and argument on the propriety thereof.

3. In the event that the parties seek to file any such materials with the Court or otherwise use the materials during a court proceeding, the parties will comply with Rule 49.1(a) of the Federal Rules of Criminal Procedure, and will ensure that the materials are appropriately redacted to protect confidential information, and will offer the redacted versions of the Confidential Materials into evidence unless it is necessary to offer the unredacted versions, in which case the parties will seek permission of the Court before doing so.

4. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the Confidential Materials or any copies, notes, transcripts, documents or other information derived or prepared from the Confidential Materials unless and until substitute counsel enters into this Stipulation and Order.

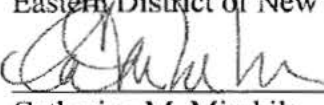
5. The defendant and defense counsel will return to the government all copies of the Confidential Materials provided by the government through discovery in this case at the conclusion of this matter, specifically either within seven days of: (a) a verdict of acquittal rendered by a jury; (b) the date of sentencing if no appeal is filed; (c) the issuance of an appellate decision rendering a final judgment if no collateral attack is filed; or (d) the issuance of a decision rendering a final judgment with respect to a collateral attack.

6. Any violation of this Stipulation and Order may result in: (a) the immediate return to the government of the Confidential Materials, and/or (b) contempt of Court or other remedy to be determined by the Court, after reasonable notice to the defendant and an opportunity to be heard.


Dated: Central Islip, New York
September 17, 2020

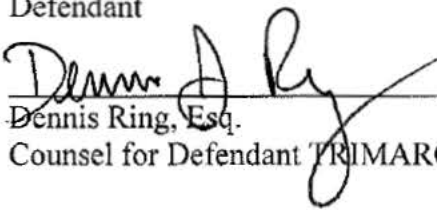
SETH D. DUCHARME
Acting U.S. Attorney
Eastern District of New York


By:


Catherine M. Mirabile
Michael J. Bushwack
Assistant U.S. Attorneys

Agreed to by:


VINCENT J. TRIMARCO, JR.
Defendant


Dennis Ring, Esq.
Counsel for Defendant TRIMARCO


Jonathan Edelstein, Esq.
Counsel for Defendant TRIMARCO

SO ORDERED:

/s/ (JMA)
THE HONORABLE JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK